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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,044	05/22/2001	Catherine Britton	2001P09253US	9970

7590 03/04/2004

Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

DAHBOUR, FADI H

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/864,044

Applicant(s)

BRITTON, CATHERINE

Examiner

Fadi H. Dahbour

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 and 32 is/are allowed.
- 6) ☒ Claim(s) 1,22-29,31,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 2-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/22/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 22-29, 31, 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Albert et al.

Albert discloses a method for facilitating an exchange of information associated with medical care provided to a patient by a medical care provider (Figs.1-10), comprising exchanging medical care information (see “for generating and transferring medical or other data” in lines 61-62 of col.1) with a medical care information device being in communication with a medical care provider device associated with the medical care provider (see “a system...which enable a patient to communicate with a medical care provider in real time” in lines 62-63 of col.1, also see “a recipient computer located

at a data communication service provider facility" in lines 3-5 of col.3), exchanging patient information (see "generating and transferring medical or other data" in lines 61-62 of col.1) with a remote patient device comprising a personal computer (see "use of a computer" in line 1 of col.2) via a communication network (see "the computer can send resulting data...over a...communication network" in lines 30-31 of col.2), the patient information being associated with the medical care information (see "the recipient computer is programmed to receive the data transferred over the computer communication network and to transmit in response thereto another signal to an end user" in lines 6-9 of col.3), wherein the medical care provider device is associated with at least one of the following: the medical care provider, a hospital, a medical clinic, and a doctor (see "a recipient computer located at a data communication service provider facility" in lines 3-5 of col.3; also see "physician...physicians receivers...physician's receiver" in lines 28 & 44 & 51 of col.4), wherein the medical care information device is adapted to exchange at least one of the following with the medical care provider device: scheduling information, clinical data, an electronic medical record associated with the patient, budget information, oncology information, chemotherapy charting, outcome management, clinical imaging, and transcription information (see "clinical" in line 45 of col.11), wherein the communication network comprises the Internet (see "Internet" in line 66 of col.1), further comprising a processor and a storage device in communication with the processor and storing instructions adapted to be executed by the processor (6a of Fig.3) to exchange medical care information with a medical care information device being in communication with a medical care provider device associated with a medical

care provider (6a, 4, 6b of Figure 3), and exchanging patient information with a remote patient device via a communication network wherein the patient information being associated with the medical care information (6a, 4, 2 of Figure 3), wherein the storage device (6a of Fig.3) further stores at least one of: a patient database, a scheduling database, and a supplemental database (see "6a for FIGS. 3...can further comprise storing...a database of potential recipients of the medical data, wherein the database is also accessible by each patient such that each patient can identify from the potential recipients at least one selected recipient to receive the medical data for that patient" in lines 39-44 of col.9), a communication device coupled to the processor and adapted to communicate with at least one of: a patient device (6a, 4, 2 of Fig.3), and a medical care provider device (6a, 4, 6b of Fig.3), further comprising a medium storing instructions adapted to be executed by a processor (6a of Fig.3) to perform a method of facilitating an exchange of information associated with medical care provided to a patient by a medical care provider (Fig.3), comprising exchanging medical care information with a medical care information device being in communication with a medical care provider device associated with a medical care provider (6a, 4, 6b of Figure 3), and exchanging patient information with a remote patient device via a communication network wherein the patient information being associated with the medical care information (6a, 4, 2 of Figure 3), further comprising a method for facilitating an exchange of information associated with medical care provided to a patient by a medical care provider (Fig.3), comprising exchanging patient information at a patient device via a communication network (2, 4 of Fig.3), the patient information

being based on medical care information stored at a medical care information device (6a of Fig.3) accessed by the medical care provider (6b of Fig.3), and transmitting from the patient device an indication associated with the patient information (2 of Fig.3), further comprising a method for facilitating an exchange of information associated with medical care provided to a patient by a medical care provider (Fig.3), comprising exchanging medical care information with a medical care information device (6a of Fig.3) being in communication with a controller that transmits patient information to a remote patient device based on the medical care information (6a, 4, 2 of Fig.3), and receiving an indication associated with the patient information (4 of Fig.3), further comprising a method for facilitating an exchange of information associated with medical care provided to a patient (Fig.3), comprising exchanging medical care information with a medical care information device (6a of Fig.3) via a proprietary communication network (4 of Fig.3), and exchanging patient information with a remote patient device (2 of Fig.3) via a public communication network (4 of Fig.3, also see "internet...any suitable communication link...telephone line" in lines 6-7 of col.7), the patient information being associated with the medical care information (Fig.3).

***Allowable Subject Matter***

3. Claims 2-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 30, 32 are allowed.

**Conclusion**

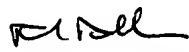
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pool et al, Cosentino et al and Hartlaub et al are cited to show communication systems and methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadi H. Dahbour whose telephone number is 703-306-5479. The examiner can normally be reached on M-F, 9am-5:30pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Fadi H. Dahbour  
Examiner  
Art Unit 3743